



BellSouth Telecommunications, Inc.

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03 MAR 7 PM 2 58
March 7, 2003

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TN REGULATORY AUTHORITY
DOCKET ROOM

VIA HAND DELIVERY

Hon. Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

In Re: *Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.*

*Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc. and XO Tennessee, Inc.*

Docket No. 02-01203

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of BellSouth's Response to Motion to Suspend Procedural Schedule. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.*

*Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc. and XO Tennessee, Inc.*

Docket No. 02-01203

BELLSOUTH TELECOMMUNICATIONS, INC.'S
RESPONSE TO MOTION TO SUSPEND PROCEDURAL SCHEDULE

BellSouth Telecommunications, Inc. ("BellSouth") files this Response to Motion to Suspend Procedural Schedule and shows the Hearing Officer as follows:

On February 26, 2003, Defendants in this case sought a suspension of the Procedural Schedule to await the release of the written order from the FCC memorializing the finding in the Triennial Review. BellSouth disagrees that it is necessary to await the order in order to resolve the issues in this case.

Under the terms of the Interconnection Agreement negotiated by the parties and approved by the Authority, BellSouth has a clear contractual right to initiate an audit, at its sole expense, of Defendants' records to verify the type of traffic being placed over combinations of loop and transport network elements ("EELs"). There is no need for further delay.

In the event that the Authority decides to suspend the Procedural Schedule in this case to await the FCC order for informational purposes,

BellSouth respectfully urges that protections must be afforded to ensure that, at the time that action in this case is resumed, the information that BellSouth seeks to audit will still be available to the auditors. Specifically, BellSouth requests that any suspension of the Procedural Schedule be granted only if the Defendants are ordered to preserve all of the switching records applicable to Defendants' EEL circuits in Tennessee, and other information that may be required for purposes of audit to prove whether the EEL circuits meet the local usage requirements as set forth in the parties' interconnection agreements. This requirement will ensure that, in the event that BellSouth prevails in its claim that an audit is permitted under the contract, auditable information with respect to the time period in question is actually available at that time so that the audit can be conducted. In the event that the Schedule is suspended, and BellSouth ultimately prevails in this case, BellSouth would be without any remedy if, by that time, the information it seeks to audit had been destroyed during the suspension of the Schedule.

For the foregoing reasons, BellSouth respectfully requests that the Hearing Officer either:

1. Deny the Motion to Suspend the Procedural Schedule; or

2. Grant the suspension conditioned upon the requirement that the Defendants must retain all information needed in order to conduct an audit in the event that BellSouth should prevail in its claim.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: _____

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CERTIFICATE OF SERVICE

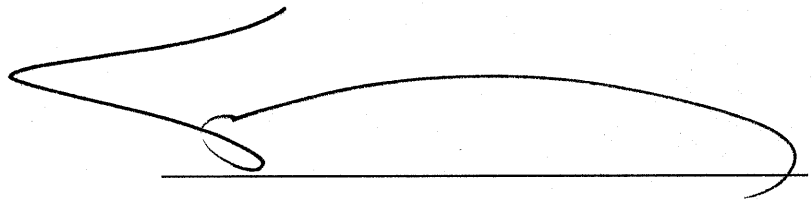
I hereby certify that on March 7, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Henry Walker, Esquire
Boult, Cummings, et al.
414 Union Street, #1600
Nashville, TN 37219-8062

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Nanette S. Edwards, Esquire
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802

A handwritten signature in black ink, appearing to read 'Nanette S. Edwards', is written over a horizontal line.